

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

**MICHAEL JAKAB and
SUZANNE JAKAB,
Debtors.**

**Chapter 13 Case
#02-10109**



**MICHAEL & SUZANNE JAKAB, and
JAN M. SENSENICH, Chapter 13 Trustee,
Plaintiffs,**

v.

**CENDANT MORTGAGE CORPORATION,
a/k/a INSTAMORTGAGE.COM,
Defendant.**

**Adversary Proceeding
#02-1036**

ORDER

**ON THE PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND
DEFENDANT'S CROSS-MOTION FOR SUMMARY JUDGMENT**

In conjunction with the Court's Memorandum of Decision, of even date, on the Plaintiffs' Motion for Summary Judgment (doc. #16) and the Defendant's Cross-Motion for Summary Judgment (doc. #17),

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by the Debtors and the Chapter 13 Trustee is granted; and that the Cross-Motion for Summary Judgment filed by Cendant Mortgage Corporation, a/k/a InstaMortgage.com is denied; and

IT IS FURTHER ORDERED that any lien on the subject premises arising from the Cendant Mortgage dated March 23, 2001 is avoided, subject to the caveat that if this bankruptcy case is dismissed prior to the completion of all payments under the Debtors' chapter 13 plan, the avoided lien is reinstated under 11 U.S.C. § 349(b)(3); and

IT IS FURTHER ORDERED no Order avoiding the Cendant Mortgage may be entered in the real estate records of the subject property until an Order of Discharge has been entered in this case; and

IT IS FURTHER ORDERED that the subject property may not be transferred or encumbered during the pendency of this case without an order of this Court.

SO ORDERED.

May 2, 2003
Rutland, Vermont

A handwritten signature in black ink, appearing to read "Colleen A. Brown".

Colleen A. Brown
United States Bankruptcy Judge